





Initiating a Marketing Mix in The Regulation of The Sale of State-owned Assets

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Abstract

State properties (BMN) that are auctioned do not always sell well at the first opportunity. Failure in the first auction could have an impact on the increasingly uneconomic value of the BMN because the condition can get worse/obsolete. This condition triggers the idea of implementing a marketing mix in regulations so that BMN sales are more optimal. This is legal research, intending to analyze the implementation of the principle "economically more profitable for the country", as well as analyzing the marketing mix as an aspect that can be considered in regulations, especially in the BMN sales process. This study uses a normative juridical method with a conceptual approach. Using primary legal materials and secondary law, processed and analyzed qualitatively, reinforced by the opinions of



expert sources. The results of the study found that the 7 aspects of the marketing mix (product, price, place, promotion, people, physical evidence, and process) do not conflict with the principle "economically more profitable for the country". Overall, the marketing mix deserves to be considered in the sale of state-owned goods to be abolished. Sales of BMN with the application of a marketing mix according to marketing principles are expected to increase the potential for state revenues, and legally be more adaptive to the community.

KEYWORDS *Marketing Mix, BMN Sales, Auctions*

I. Introduction

Law Number 1 of 2004 concerning the State Treasury (Law 1/2004) stipulates that what is meant by BMN is wealth whose acquisition is charged to the state revenue and expenditure budget or other legitimate acquisitions.¹ The management of State/Regional Property in its development is increasingly complex so it needs to be carried out optimally. Provisions regarding the management of BMN are currently regulated in Government Regulation No. 27 of 2014 concerning the Management of State/Regional Property which has been amended by Government Regulation of the Republic of Indonesia Number 28 of 2020 (PP 28/2020).² The Government Regulation emphasizes that the Management of State/Regional Property is carried out based on functional principles, legal certainty, transparency, efficiency, accountability and

¹ Law of the Republic of Indonesia Number 1 of 2004 concerning the State Treasury

² Government Regulation of the Republic of Indonesia Number 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning the Management of State/Regional Property.

certainty of value.³ The scope of BMN management starts from planning needs and budgeting, procurement, use, utilization, security and maintenance, assessment, transfer, destruction, elimination, administration and guidance, to supervision and control.

BMN which is abolished by sale, in accordance with Article 13 letter (b) of the Regulation of the Minister of Finance of the Republic of Indonesia Number 111/PMK.06/2016 concerning Procedures for the Implementation of the Transfer of State Property and its amendments to the Regulation of the Minister of Finance of the Republic of Indonesia Number 165/PMK.06/2021 (hereinafter written as PMK 165/2021)⁴ is considered to be economically more profitable for the state, in addition to being able to contribute to increasing state revenue from the PNPB sector.

In practice, BMN users often wait until severely damaged goods are abolished. Meanwhile, in PMK 111/2016 amendments to PMK 165/2021, it has been regulated that sales can be carried out in the context of optimizing BMN that exceeds the needs or is no longer needed for the purpose of carrying out duties. The elimination of the sale was based on the consideration that it was economically more profitable for the country. The regulations do not consider appealing to consumers' appetite for BMN abolished with sales.

In the process of eliminating BMN, there are two extreme sides of consideration whether it still has economic value or should it be discarded/abolished as junk. With the understanding that the value of the

³ Article 3 of Government Regulation Number 27 of 2014 concerning the Management of State/Regional Property.

⁴ Pemerintah Republik Indonesia, "Peraturan Menteri Keuangan Republik Indonesia Nomor 165/PMK.06/2021 Tentang Perubahan Atas Peraturan Menteri Keuangan Nomor 111/PMK.06/2016 Tentang Tata Cara Pelaksanaan Pemindahtanganan Barang Milik Negara" (2021), <https://peraturan.bpk.go.id/Details/188889/pmk-no-165pmk062021>.

benefits has been completely exhausted.⁵ Technically at least it is done as follows.

Economic Value: Many BMNs have been discontinued, but still have significant economic value. For example, official vehicles that are no longer in use can still be sold and provide revenue for the state. The sale of unused BMN can generate great potential for state revenue if done optimally. Cost savings in the form of eliminating unnecessary resource use and revenue generators from the sale of unused assets are two aspects that are expected to result from optimizing BMN Management that has ceased operational use. Goods Users/Proxies of Goods Users and Goods Managers must manage the BMN as soon as possible. This needs to be done to prevent further decline in the value of the asset since the asset has been discontinued.⁶

Maintenance Costs: If the operational and maintenance costs of BMN are higher than the benefits obtained, then the removal of the goods becomes more economically profitable. In many cases, items that are already damaged or cannot be repaired will be better written off than continue to bear the cost of maintenance.⁷

Physical Condition and Age of Assets: Assets that have passed their useful life or have suffered severe damage should be written off. For example, an official vehicle can only be removed after it is at least 10 years

⁵ Karman, "Optimalisasi Pengelolaan Barang Milik Negara (BMN) Yang Dihentikan Penggunaan Operasionalnya," Direktorat Hukum dan Hubungan Masyarakat-Direktorat Jenderal Kekayaan Negara - Kementerian Keuangan RI, 2020, <https://www.djkn.kemenkeu.go.id/kpknl-jakarta4/baca-artikel/13092/Optimalisasi-Pengelolaan-Barang-Milik-Negara-BMN-Yang-Dihentikan-Penggunaan-Operasionalnya.html>.

⁶ Nadia Suci Hasri, Amsal Irmalis, and Daniel Sianturi, "Proses Penghapusan Barang Milik Negara (BMN) Di Kantor Pelayanan Perbendaharaan Negara (KPPN) Meulaboh Menggunakan Tindak Lanjut Pemindahtanganan," *Jurnal Sains Riset* 13, no. 1 (2023): 160–70, <https://doi.org/10.47647/jsr.v13i1.1000>.

⁷ Hasri, Irmalis, and Sianturi. *Ibid.*

old, and if it is no longer in good working order, it should be considered for sale or destruction.⁸

In practice, auctioned goods (BMN) do not always sell at the first opportunity. As a result, a second auction must be conducted, and for that it may be necessary to conduct a reassessment. Failure in the first auction can have an impact on the decline in the value of BMN due to the increasing age of the goods and the worsening condition. This condition can result in revenue from BMN auctions being less than optimal or not in accordance with the desired.

Bids can increase or decrease to reach the highest price which is all preceded by an Auction Announcement.⁹ As a sales mechanism, the success of an auction is certainly influenced by the right marketing strategy. Philip Kotler said that marketing strategy includes a marketing mindset that will be used to achieve the marketing goals themselves.¹⁰ Meanwhile, according to Kurtz, marketing strategy includes all programs regarding the target market, with the intention of satisfying consumers, a combination between aspects of the marketing mix (marketing mix), and a budget for marketing.¹¹

In the context of marketing, companies are required to have the ability to optimize marketing variables which are often referred to as marketing mixes in carrying out marketing strategies. Kotler and Keller stated, "The marketing mix is a set of marketing tools that a company uses

⁸ Fatma Hasna Inayah, "Sistem Penghapusan Barang Milik Negara (BMN) Pada Kantor Pelayanan Kekayaan Negara Dan Lelang Semarang" (Universitas Islam Sultan Agung Semarang, 2024), <https://repository.unissula.ac.id/34244/>.

⁹ Pemerintah Republik Indonesia, "Peraturan Menteri Keuangan Nomor 122 Tahun 2023 Tentang Petunjuk Pelaksanaan Lelang" (2023), <https://jdih.kemenkeu.go.id/api/download/4f42a0c7-f323-4852-aab3-cde2dd551cc5/2023pmkeuangan122.pdf>.

¹⁰ Marissa Grace Haque-Fawzi et al., *Marketing Strategy: Concept, Theory and Implementation* (South Tangerang: Pascal Books, 2022).

¹¹ Rahardi Mahardika, "Halal Tourism Marketing Strategy," *Mutawasith: Journal of Islamic Law* 3, no. 1 (2020): 65–86. <https://doi.org/10.47971/mjhi.v3i1.187>

to continuously achieve its marketing goals in the target market".¹² Aspects in the marketing mix are often referred to as the 4P formula, namely products, prices, distribution venues or channels, and promotions. There is a modification in service marketing, namely there are additional aspects such as people, physical evidence, and process, so it is known as the 7P.¹³ The overall service marketing mix includes product, price, place, promotion, people, physical evidence, and process.

The determination of the value of the goods limit needs to be done carefully in relation to the paradigm of "state loss" that may occur.¹⁴ From the perspective of BMN users, assets must provide maximum benefits. Before being abolished through auction sales, a limit on the value of goods is determined. But it often happens with government assets, the value of the remaining goods is below the market price. As an illustration, it can be exemplified in the assets of official vehicles belonging to the Regional Finance and Asset Management Agency (BPKAD) of South Barito Regency for asset elimination in 2019.¹⁵ The difference in the liquidation value of around 19% below the market price at the agency, can lead to the interpretation that the transaction is "unprofitable" for the state. Although the use value of the asset and depreciation are still within reasonable limits, it can raise the question of whether the 19% difference can be narrowed, and why the liquidation value is all below the market price.

Re-auctions are currently still found at several offices or auction locations. The causes can vary, such as what happened to the Bangkalan

¹² Erina Alimin et al., "Marketing Management (An Introductory Study in the Modern Business Era)" (2022). Pg.62.

¹³ Tengku Firli Musafar, Management Textbook (Bandung: Media Sains Indonesia Publisher, 2020). Pg.19.

¹⁴ Sahdani Ritonga, "Determination of the Limit Value of Transfer of State Property (BMN) through Sale/Auction" (Medan Area, 2018).

¹⁵ Akhmad Khizazi, "Valuation of Official Vehicles for the Purpose of Asset Elimination" (Gadjah Mada University, 2019).

Religious Court in 2023.¹⁶ Failure in the first auction also occurred in the sale of official cars of the Mojokerto City Government in 2024. Only 9 units of auction objects were successfully sold out of a total of 31 units opened in online open bidding through KPKNL. A total of 22 units need to be re-auctioned after reviewing the price and interest aspects.¹⁷

The concern of this loss stems from the concept of transferring BMN as a process that includes conditions, performance, especially the life cycle of BMN, including determining the limit of the value of BMN to be auctioned in such a way as to avoid state losses.¹⁸ David Hotman Hutabarat et al concluded that several factors can affect the success of BMN sales such as consumer interest, promotion, and the Assessment Process by Government Appraisers. The decision to sell BMN needs to consider the economic benefit value of the BMN. This step is to avoid the loss of public taste for BMN sold due to the development of similar properties provided by private producers.¹⁹

The research conducted by Ritonga²⁰ and Khizazi²¹ emphasizes more on the process of determining the limit value before selling through

¹⁶ Indah, "PA Bangkalan Laksanakan Lelang Kedua BMN Secara Online Dengan Cara Closed Bidding," *Berita Seputar Pengadilan* (Bangkalan, Madura, December 2023), <https://www.pa-bangkalan.go.id/layanan-publik/pengumuman/kegiatan-pengaduan/906-pa-bangkalan-laksanakan-lelang-kedua-bmn-secara-online-dengan-cara-closed-bidding>.

¹⁷ Rizal Amrullah, "Tak Laku Jual, Mobdin Dilelang Ulang," *Radarmojokerto*, 2024, <https://radarmojokerto.jawapos.com/politik-pemerintahan/825234895/tak-laku-jual-mobdin-dilelang-ulang>.

¹⁸ Ritonga, "Determination of the Limit Value of Transfer of State Property (BMN) through Sale/Auction." Loc.cit.

¹⁹ David Hotman Hutabarat, Cris Kuntadi, and R Luki Karunia, "Faktor-Faktor Yang Mempengaruhi Penjualan Barang Milik Negara Melalui Lelang: Minat Konsumen/Perilaku Konsumen; Promosi; Proses Penilaian Oleh Penilai Pemerintah," *Jurnal Manajemen, Akuntansi Dan Logistik II*, no. 3 (2024): 1406–16, file:///C:/Users/Tri/Downloads/1406-1416+(1).pdf.

²⁰ Ritonga, "Penentuan Nilai Limit Pemindahtanganan Barang Milik Negara (BMN) Melalui Penjualan/Lelang." Loc.cit.

²¹ Khizazi, "Valuation of Official Vehicles for the Purpose of Asset Write-off."

auction. While several other studies are generally carried out at the auction implementation stage. As Mayangsari did²² by focusing on information technology that can make it easier for people to do business, including BMN sales auctions, but on the other hand it also opens up opportunities for more structured violations. In line with what was done by Siska Dewi Puspitasari, explained the process of selling BMN through an auction from an administrative aspect.²³ Research related to the marketing mix so far is not related to BMN sales. As done by Ida Hidayah, et al generally review business products, namely revealing strategies that can be used to increase sales volume.²⁴ The same thing was also found in the research of Ahmadintya Anggit Hanggraito, et al. who studied alternative marketing strategies through the analysis of the 7P marketing mix at the Yogyakarta Batik Museum, namely the use of business strategies to attract consumers/tourists.²⁵

In parallel, this research is similar to that conducted by Dheni Dwi Pangestuti and Muhammad Asep Saepudin, who researched the application of the marketing mix in increasing the interest of muzakki zakat fitrah to distribute their zakat to Baznas Cirebon. As is known, zakat

²² Nabillah Putri Mayangsari, "Liability of Parties for Auction Violations in Electronic Media Auctions (Online)," *Universitas Airlangga* 30 Library, no. 28 (2019): 5053156.

²³ Siska Dewi Puspitasari, "Procedure for the Elimination of State Property (BMN) with Sales Follow-up at the Surakarta State Property and Auction Service Office (KPKNL)" (2021).

²⁴ Ida Hidayah et al., "Analysis of Marketing Mix Strategy in Increasing Sales Volume (Case Study on Pudanis in Kaliwungu)," *Solution* 19, no. 1 (2021). <http://dx.doi.org/10.26623/slsi.v19i1.3001>

²⁵ Ahmadintya Anggit Hanggraito, Ahmad Sidiq Wiratama, and Rahma Amalia Saifuddin, "Alternative Marketing Mix Strategy of the 7P Yogyakarta Batik Museum," *Journal of Tourism: Destinations, Hospitality and Travel* 4, no. 2 (2020): 72–83. <https://doi.org/10.34013/jk.v4i2.50>

fitrah is an obligation for the Muslim community, in general only using an appeal approach for distribution.²⁶

The research of Dheni Dwi Pangestuti and Muhammad Asep Saepudin is purely related to marketing strategies, while this research is a legal research to consider the implementation of the marketing mix in regulations.

The problem that prompted this study is that regulations related to BMN sales have not accommodated the marketing mix, as well as how to apply aspects of the marketing mix in regulations. This study intends to analyze the implementation of marketing strategies, by utilizing 7 marketing mixes into regulations. The purpose of implementing this marketing mix is so that the Office of State Wealth and Auction Services (KPKNL) and the work unit (satker) of BMN users succeed in selling BMN auctions at the first opportunity. Shoppers will feel satisfied because they get items that are still upgradeable or feasible enough to be reused. Of course, it must be redeemed at a better price, and by itself can make a more optimal contribution to state revenue.

The 4P and 7P approaches in terms of marketing should be partially or fully accommodated, but currently they are not clearly regulated in PMK 111/2016 and its amendments PMK 165/PMK.06/2021 and Minister of Finance Regulation Number 122 of 2023 concerning Guidelines for Auction Implementation (PMK 122/2023).²⁷ As is known, the marketing mix is non-legal material. Whether the implementation of the marketing mix will cause conflicts with applicable regulations, or needs to be improved in its implementation. It should be noted that the subject of regulatory economics covers at least four broad areas - economic

²⁶ Dheni Dwi Pangestuti and Muhammad Asep Saepudin, "Implementation of Marketing Mix in Increasing the Interest of Muzzaki Zakat Fitrah through the National Amil Zakat Agency (Baznas) of Cirebon City," *Jendela ASWAJA* 3, no. 01 (2022): 42–49. <https://doi.org/10.52188/ja.v3i01.223>

²⁷ Pemerintah Republik Indonesia, Peraturan Menteri Keuangan Nomor 122 Tahun 2023 tentang Petunjuk Pelaksanaan Lelang.

regulation, social regulation, competition law, and legal systems.²⁸ Although non-judicial disciplines in the implementation of a research in the field of law are difficult to accept, but gradually the formation of law needs to consider non-legal aspects.²⁹

This study is more specific and different from previous research. The purpose of this study is to analyze the application of the principle of "more economically profitable for the country" in the sale of BMN to be abolished, as well as to analyze the consideration of the marketing mix as an aspect in the process of selling BMN that will be abolished to be regulated in regulations.

This research is a normative legal research. Using a legal approach and a conceptual approach, it is written in a descriptive analytical manner. Literature studies are carried out by collecting primary legal materials (legislation) and secondary legal materials (legal literature and scientific works) that discuss the management or transfer of BMN. Tertiary legal materials (dictionaries, encyclopedias, etc.) are also used to explain the scope relevant to the discussion.

The collection of legal materials is carried out using documentary studies.³⁰ Interdisciplinary legal research methods involve using approaches from other disciplines, such as sociology, psychology, or economics, to understand law in a broader context.³¹

²⁸ C Veljanovski, "Economic Approaches to Regulation," in *The Oxford Handbook of Regulation*, 2010, <https://doi.org/10.1093/oxfordhb/9780199560219.003.0002>.

²⁹ Ramlani Lina Sinaulan, *Teori Ilmu Hukum*, ed. Abdul Rahmat and Yuhelson, Cetakan II (Yogyakarta: Zahir Publishing, 2021), https://jdih.tanjungpinangkota.go.id/data_file/1503/TEORI_ILMU_HUKUM.pdf.

³⁰ Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi* (Jakarta: Raja Grafindo Persada, 2017). Hlm.19.

³¹ Fachrizal Afandi, "Penelitian Hukum Interdisipliner Reza Banakar: Urgensi Dan Desain Penelitian Sosio-Legal," *Undang: Jurnal Hukum* 5, no. 1 (July 11, 2022): 231–55, <https://doi.org/10.22437/ujh.5.1.231-255>.

The analysis is carried out by sorting in the main themes descriptively, and theoretically related. The triangulation process is also carried out by presenting the results of the analysis summary and then confirming it to expert sources. Produce final conclusions that are in accordance with the purpose of the research, especially regarding the marketing mix as an aspect that can be considered in the BMN sales regulation to be abolished.

II. BMN Sales in the Context of Benefiting the State

BMN is one of the most important elements in the context of government administration, development, empowerment and public services. The government needs to manage it properly and correctly so that the benefits of this wealth increase.³² This is an arguments that the sale of BMN must be more profitable for the state. Even though it is an item that is no longer used, at least BMN is purchased or obtained from the State/Regional Revenue and Expenditure Budget or comes from other legitimate acquisitions that must be accounted for to the people.³³

Revenue from BMN sales for government work units is generally intended to optimize revenue from the use of BMN or utilization

³² Yasin, Fadillah Putra, dan Oscar Radyan Dinar, "Pengelolaan Properti Regional Berbasis Kemitraan dalam Meningkatkan Sumber Pendapatan Daerah," *Jurnal Ilmu Administrasi Publik* 2515, no. 2 (2021): 147–155, <https://jurnal.unmer.ac.id/index.php/jkpp/article/view/4914>.

³³ Pasal 1 (1) dan (2) Peraturan Pemerintah Republik Indonesia Nomor 28 Tahun 2020 tentang Perubahan atas Peraturan Pemerintah Nomor 27 Tahun 2014 tentang Pengelolaan Barang Milik Negara/Daerah.

cooperation.³⁴ By the same logic, when BMN no longer functions and will be abolished, BMN sales results must be more optimal.

"Selling" means the process, way, or act of selling. This understanding is in line with the definition of BMN Sales mentioned in Article 30 PMK 111/2016 that in the sale of BMN other than land and/or buildings in the Goods Manager, it is necessary to make a plan that includes the location, sales implementation, and considerations from technical, economic, and juridical aspects. The technical aspects of BMN to be sold must meet the criteria as referred to in Article 13 letter b, which is more economically profitable for the state if sold. It should be noted here that the perspective of benefits for the state, does not consider the benefits for potential buyers of BMN which is abolished.

PMK 111/2016 states the limitations of technical aspects in the sale of BMN (other than land and buildings) which can be interpreted as a more detailed elaboration of the meaning of "economically" in the article above, namely in article 25 (2) with the following criteria:

- a. BMN cannot be used because it is severely damaged and it is not economical to repair it;
- b. BMN is technically no longer usable due to modernization;
- c. BMN cannot be used and utilized because it has undergone changes in specifications due to use, such as erosion, wear, and so on; or
- d. BMN cannot be used and utilized because it has decreased in weight/size due to use or shrinkage in storage or transportation.

The argument that wants to be built in BMN sales before being integrated into the regulations, that sales practices must contain marketing elements. In marketing, the parties must get the appropriate rights, both from the government and the private sector. Weaknesses in legal

³⁴ Muhtar Rifai dkk., "Meningkatkan Penerimaan Negara Bukan Pajak melalui Pengelolaan Barang Milik Negara Kementerian Pertahanan," *Warga Negara : Jurnal Ilmiah Multidisiplin Indonesia* 2, no. 1 (2022): 173–182.

protection and certainty for auction participants can result in a long and protracted auction process, as well as the price of the auction object above the market price.³⁵

III. Discourse on Marketing Mix in Regulation

In the world of marketing, consumers are considered to not have enough knowledge about product characteristics so they need to learn to know them. Therefore, marketers need to develop strategies to provide consumers with information about their attributes, interests, company brand, and other important attributes.³⁶ This can be interpreted that the condition of the goods to be marketed determines the next marketing strategy. In the context of BMN sales, it is a special concern because the goods to be sold are not production goods, but used goods. The explanation in the introduction can be a material for thinking about whether the goods to be sold must be scrapped or severely damaged.

If the condition of the goods is scrapped or severely damaged, it will be difficult for policymakers to make considerations to implement aspects of the marketing mix. In this case, the resource person have given views, confirmations and affirmations that the BMN to be sold does not have to be scrapped or have a very small economic value. From the explanation of the source and the analysis of the article in the previous paragraph, namely the condition of the goods does not have to be scrapped, there is an opportunity and it is important to apply the aspect of the marketing mix in BMN sales.

³⁵ Burhan Sidabariba and Ellicika Sari, "Fulfilling the Rights of the Parties in the Auction Execution in Indonesia : A Review," *Russian Law Journal* XI, no. 5 (2023): 2910–20, <https://cyberleninka.ru/article/n/fulfilling-the-rights-of-the-parties-in-the-auction-execution-in-indonesia-a-review>.

³⁶ Meithiana Indrasari, *Marketing and Customer Satisfaction* (Surabaya: Unitomo Press, 2019). Pg.21.

PMK 122/2023 has not yet accommodated the enactment of the marketing mix as a condition for BMN sales. For example, the Auction Announcement activity as referred to in Article 57 cannot be equated with promotion in terms of marketing or marketing. Promotion in marketing is not only limited to announcing the products sold but also related to other aspects of marketing, namely conducting promotions as effectively and efficiently as possible. Including how to manage established consumers so that they can help in the product promotion process. Promotion is in principle to build communication between producers, marketers and consumers, or buyers in buying and selling activities. Promotional strategies, for example, can optimize internet facilities as a link with consumers.³⁷ Likewise, the determination of prices, the placement of BMN to be sold (place), and products (products), in the context of PMK 122/2023 are at the limit of administrative requirements, not specifically leading to the marketing aspect.

The study of the application of the marketing mix in the BMN sales process needs to be supported by a study of the meaning of BMN "auction". In the BMN sales process, it will be directly or indirectly related to the BMN auction process itself. If you pay attention to Article 1 of PMK 122/2023, the definition of "auction" is the sale of goods that are carried out openly to the public. Price bids are generally made in writing or orally, increased or lowered with the aim of reaching the highest price, preceded by an auction announcement. From this understanding, there are several elements of the auction, namely:

- a. Sales that are made openly
- b. Written or oral offers
- c. The price (sell) may increase or decrease
- d. The purpose of the auction is to reach the highest price

³⁷ Hayatun Nufus and Trisni Handayani, "Promotion Strategy by Utilizing TikTok Social Media in Increasing Sales (Case Study on TN Official Store)," *Journal of EMT KITA* 6, no. 1 (2022): 21–34. <https://doi.org/10.35870/emt.v6i1.483>

e. Preceded by the announcement of the auction

Similarly, when referring to PP 27/2014 in the explanation of Article 61, "auction" is defined as, "Sale of State/Regional Property that is open to the public with a written and/or oral bid that increases or decreases to reach the highest price, which is preceded by an auction announcement and must be carried out in the presence of an auction official". Then there was a change in the definition of "auction" with PP 28/2020, where there was an additional meaning of "auction" with the sentence ".....which is preceded by an effort to gather interest, either through auction announcements or other means". Grammatically, the phrase "with an effort to gather interest" indicates that the BMN sales process expected by law is with more enthusiasts. It can be interpreted that the more interested people will be, the better, the more transparent, and fair. Of course, this is not enough if relying on auction announcements alone, so in the definition it ends with the phrase "either through auction announcements or other means". The purpose and purpose of the auction announcement in this sense is clearly an effort to gather interest, and can be done in "other ways". Thus, from a regulatory perspective, a more specific understanding can be given, namely the application of the marketing mix in BMN sales is an effort to gather more enthusiasts.

As part of the sales process, and aiming to achieve the highest price, the BMN sales process should follow the rules that are prevalent in the marketing world. The resource person were of the same opinion, that the implementation of the marketing mix in BMN sales is important. The resource person had different views regarding which aspect of the marketing mix is the most important (top priority) in the BMN sales process. In general, the resource person agreed that before the implementation of the marketing mix, there must be competent human resources and specifically handle from preparation, submission of sales applications, to the auction process. Human resources or special officers who have competencies ranging from preparation to sales/auctions can

support other aspects if the regulations have not accommodated. These competent resources can be identified as people in the marketing mix.

From the analysis of the urgency of the marketing mix above, it can be seen that there is an opportunity to apply the marketing mix to BMN sales in regulations. The application of the marketing mix is inherent in the purpose of marketing activities, namely to satisfy consumers. Factors that provide satisfaction to consumers vary greatly, it can be because of obtaining the goods needed (product), it can also be because the price obtained is relatively cheap (price). Satisfying consumers in marketing activities is done so that consumers voluntarily repeat their purchases or suggest to others to buy.³⁸ The American Marketing Association defines marketing as a process of planning to execution, in the stages of concept, pricing, promotion, and distribution whose ultimate goal is to satisfy individuals and their institutions.³⁹ It can be explained that when this marketing paradigm is applied to the product to be sold, it is automatically tied to the goal of satisfying the parties.

Marketing mix as a sales or promotion strategy and pricing is unique, designed to produce mutually beneficial exchanges for the intended market.⁴⁰ Strategies that are integrated in the marketing mix combine marketing activities, in order to get the maximum combination that brings the most satisfactory results. Of course, the synergy of each element needs to be adjusted to the characteristics of the market and business.⁴¹ Kotler views that the marketing mix is a set of tactical marketing tools in the form of products, prices, venues and promotions

³⁸ Rhenald Kasali, *Aiming for the Indonesia Market: Segmentation, Targeting, and Positioning* (Jakarta: Gramedia Pustaka Utama, 2007), https://books.google.co.id/books?id=3UJ4c_dskHEC.

³⁹ Kasali. Ibid

⁴⁰ Veta Lidya Delimah Pasaribu et al., *Contemporary Marketing* (Bandung: Widina Publishers, 2021). Pg.16.

⁴¹ Mujito, *Strategi Pemasaran (Product, Price, Place and Promotion)*, Maret 2025 (Yogyakarta: Selat Media, 2025), <https://books.google.co.id/books?id=LTdWEQAAQBAJ>.

(4P) where the set of tools is combined by the company to produce the desired response in the target market.⁴² So, by including a marketing mix strategy in BMN sales, it also takes into account buyer or consumer satisfaction. This paradigm is slightly different from the notion of "economically profitable" as referred to in Article 13 of the Regulation of the Minister of Finance of the Republic of Indonesia Number 111/PMK.06/2016 as previously described.

IV. Application of Marketing Mix in BMN Sales

The marketing mix was first proposed by E. Jerome McCarthy.⁴³ In the world of marketing, it is known as the 4P marketing strategy consisting of Product, Price, Place, Promotion. The 4P marketing model has developed into a 7P model or Service Marketing mix which is more widely used in the service sector as explained in the introduction. This marketing mix concept will be used to give consideration in the arrangement of BMN sales that will be abolished, so that the sale of BMN that will be abolished provides justice (satisfaction of the parties proportionally), namely for the state as the seller and buyer of goods/auction winner.

Based on the conclusion of the interview from the interviewees, each aspect of the marketing mix can be described as follows.

a. Product

⁴² Philip Kotler and Gary Armstrong, *Principles of Marketing* (United Kingdom: Pearson education, 2010), [http://demo.dspace.vn/bitstream/11461/3007/1/TVS.001283_Philip T. Kotler%2C Gary Armstrong - Principles of Marketing-Pearson %282017%29_1.pdf](http://demo.dspace.vn/bitstream/11461/3007/1/TVS.001283_Philip%20Kotler%20Gary%20Armstrong%20Principles%20of%20Marketing-Pearson%202017%29_1.pdf).

⁴³ Ammar Kukuh Wicaksono, "Marketing Mix Strategy in Attracting New Students in Private Islamic Educational Institutions," *Attractive: Innovative Education Journal* 3, no. 2 (2021): 152–163. <http://dx.doi.org/10.51278/aj.v3i2.189>

Products are seen as an important and main aspect in the marketing mix because they can affect other aspects of the mix. It is very important to review what products are marketed, understand current consumer tastes, and benefit consumers.⁴⁴ In the BMN auction, a certain market segment has been formed. For example, computer goods that have been bundled or have been junk, are actually selling well. There is a separate market segment that needs computers in a dilapidated condition. In vehicles with severely damaged conditions (usually due to accidents), where sales in kilos also have their own market share. That a product is interpreted must have attractiveness, this is different from the perspective of attractiveness in general. The attractiveness of the product from the marketing side can be an attraction for certain potential buyers, or it depends on the seller's desire to target a certain market share.

At the time of determining the fair market value, there will be competition in sales. This competition will be affected by product aspects. As soon as a product appears, a market segment is generally formed that is an old/certain player. For example, the sale of used cars, then participants appear to participate in the auction with one of the motives to be resold, so the market has been formed. When viewed from the product aspect in BMN sales, it should be directed so that the potential buyers vary. This is so that there is fierce competition during bidding (very competitive).

b. Price

Price is one of the marketing components in the marketing mix that is able to influence demand and determine the position of products in the market as well as affect consumer perception of products or brands compared to competitors.⁴⁵ As mentioned above, in the BMN sales process, the seller/work unit must determine the limit value, which is the lowest limit value proposed by the work unit, or it can also be from the

⁴⁴ Dexi Triadinda et al., *Marketing Management (Consumer Behavior Perspective)* (Bandung: Media Sains Indonesia, 2022). Pg.153.

⁴⁵ Kotler and Armstrong, *Principles of Marketing*. Loc.cit.

KPKNL assessment. In principle, in addition to land and buildings, the work unit can do it on its own. This can be interpreted that pricing uses technical assessment considerations that have been regulated in the regulations, not marketing considerations. The valuation of various state assets in the form of property is very important in asset management, because without the valuation of property cannot be optimized. BMN assessment is intended to provide an opinion or opinion on the value of a BMN (State Property) object at the time of request.⁴⁶ So the assessment of the country's wealth, including those to be sold, cannot be categorized as pricing or price in the context of marketing.

Price can be considered as the difference between a company's products and competitors. Price plays an important role in the exchange process, although the costs involved in the production of a product are not always the final pricing decision.⁴⁷ In determining the value of the BMN limit to be sold, the price element cannot be applied perfectly like production goods. Because, in general, BMN that will be sold (according to applicable regulations) is an item that is no longer used by the state. The determination of the BMN limit value is entirely based on regulations, not using business considerations. This is understandable so that the parties do not act outside their authority or commit acts that are detrimental to the state.

c. Place (place or distribution channel)

BMN sales are carried out through auctions with lelang.go.id applications/websites. This method makes auction sales in one KPKNL

⁴⁶ Zhafarina Marwanta, "Analysis of the Calculation System for Property Valuation in the Form of Land and/or Buildings at the State Property and Auction Service Office (KPKNL Surakarta)" (Islamic University of Indonesia, 2022).

⁴⁷ Alan Pomeroy, "Marketing for Sustainability: Extending the Conceptualisation of the Marketing Mix to Drive Value for Individuals and Society at Large," *Australasian Marketing Journal* 25, no. 2 (2017): 157–65, <https://doi.org/https://doi.org/10.1016/j.ausmj.2017.04.011>.
<https://doi.org/10.1016/j.ausmj.2017.04.011>

area not limited by buyers in the same area. This means that the opportunity for auction participants from any location is more open with one door of information. The advantages of selling through this online site are in line with what Suhari expressed, that among the external factors that affect online purchase decisions is search efficiency.⁴⁸

Regarding the place, it would be better to consider the existence of a warehouse, or a kind of warehouse, intended for buyers to browse the goods. As is done in private auction houses, they have their own warehouse, as a means of exhibiting goods or test drives (vehicles). If the strategy is carried out with the intention of expanding the interest in goods, it is still more likely to be applied than the price aspect that has been discussed earlier.

d. Promotion

Promotion is a means to introduce, invite, persuade, and influence consumers to consider, buy and consume the products offered by the company. In this case, promotion is a marketing communication event that becomes a brand voice as a tool to build relationships with consumers.

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Promotion of BMN to be sold may require budget allocation. However, when utilizing social media facilities, websites owned by institutions, or the like, the additional costs can be anticipated or minimized. The promotion process cannot be separated from the product aspect, that BMN that will be sold, for example, is given certain treatment, cleaned/given a better appearance. The problem is, the BMN that will be

⁴⁸ Hesty Nurul Utami and Iqbal Fauzi Akbar Firdaus, "The Influence of Marketing Mix on Online Shopping Behavior: An Agribusiness Marketing Perspective," *Ecodemica Journal: Journal of Economics, Management, and Business* 2, no. 1 (2018): 136–146, <http://ejournal.bsi.ac.id/ejurnal/index.php/ecodemica/article/view/3407/pdf>.

⁴⁹ P Kotler and K L Keller, *Marketing Management*, 14th ed., Marketing Management (Edinburgh: Prentice Hall, 2012), <https://books.google.co.id/books?id=OYjntgAACAAJ>.

sold has usually been stopped so that it does not get maintenance costs. This may need to be considered, if the promotion is required to present a good and attractive appearance.

Promotion at BMN sales auctions, it is important to attract as many buyers as possible. Promotional activities may be necessary during the auction announcement, but the responsibility remains with the seller in this case the government work unit. Although promotional costs can be minimized with information technology at the moment, it can still cause additional budget allocations that need to be anticipated.

e. People

People in the context of the marketing mix are people who are directly related to the business. The employees, and trained people are very important and necessary in providing the best service to consumers. Trained employees/employees will have a big impact on winning the competition.⁵⁰

The BMN sales process requires personnel who are proficient in preparation, assessment, and at the same time can act as a sales official as well. Before the auction, there is usually *anwizjing*, which is an opportunity for buyers to ensure the physical nature of the goods. In this activity, of course, it is very strategic to be known/mastered by employees who have competence and master the product, physical goods in order to minimize goods that are not in demand. People in BMN sales will be more appropriate if their function is held by the Functional Position of Goods Management (JFPLB).

The BMN sales process in fact requires special officers, to meet and interact with buyers. In some cases, officers are able to simultaneously promote or support other aspects of the mix. As done by class 2 auction officials (private auction houses), even before being inaugurated they had carried out massive promotional activities on social media accounts. There is indeed a difference compared to class 1 auctioneers who are government

⁵⁰ Tengku Firli Musafar, *Management Textbook*. Loc.cit.

officials, for class 2 auction officials there is an additional fee that is calculated from the number of items sold.

f. Physical evidence (facilities or physical evidence of the product)

In business practices, companies seek to manipulate consumer perceptions to recognize their products. For example, when thinking about fast food, sports, ground transportation, and others, market leaders have found physical evidence as well as psychological evidence present in their marketing. This concept is then often known as branding.⁵¹

Branding on the web with certain characteristics needs to be built if the portal is prepared to contain BMN sales promotions on the task force. An example of branding that is currently being developed is an auction portal managed by DJKN. DJKN is also intensively conducting socialization to build this branding, for example at the 2022 Jakarta Fair.

g. Process (proses)

Marketing is influenced by the systems and processes that the company builds. The main goal is to minimize costs. The real essence is the practicality or simplicity of the distribution system and procedures, so that business processes run effectively.⁵²

PMK Number 111/2016 categorizes BMN sales into the sales scheme. Other ways of transferring BMN can be by exchange, grants, and capital participation. Especially for BMN sales, there are main principles:

1. optimization of BMN that is excessive or not used/not utilized for the benefit of the Ministry of Ministries / Agencies, or not utilized by other parties such as leased or other forms of utilization
2. economically it is more profitable for the state if it is sold (not granted, exchanged, or the like).
3. implementation of the provisions of laws and regulations/judicial decisions. For example, due to a court decision, the spoils are

⁵¹ Tengku Firli Musafar.

⁵² Tengku Firli Musafar.

designated as BMN which is then determined to be sold by the court.

It can also be explained that the BMN sales mechanism has at least been regulated by the procedures in PMK Number 111/2016 and its amendments PMK 165/2021, and PMK 122/2023. The initial process is illustrated, the work unit (user of goods) submits an application for approval for the sale of goods to KPKNL as the manager of the goods or who holds the delegation of authority to manage the goods. In this process, it will be served by the state wealth management section at KPKNL. The application can be approved for sale or not by KPKNL. For example, PKN STAN intends to sell BMN, then according to the procedure, the application is submitted to KPKNL Tangerang 1. Based on the approval letter, it was submitted as a requirement to be sold by auction through KPKNL.

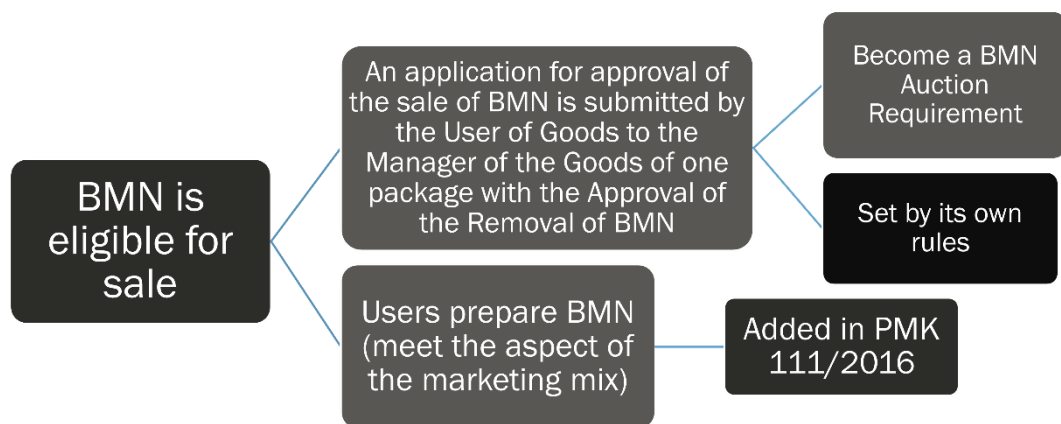
V. The Concept of Marketing Mix in BMN sales regulations

The resource person viewed 7 aspects of the marketing mix, namely: product, price, place, promotion, people, physical evidence, and process (process) is important to be included in regulations related to BMN sales. There are indeed concerns from the resource person that there will be an increase in state costs by including this aspect of the marketing mix so it needs to be carefully designed. The resource person generally agreed with the implementation of the marketing mix as part of the sales strategy, but were still hesitant when it was used as an auction requirement. The resource person also viewed that the application of the marketing mix in the implementation of BMN sales does not contradict the regulations and principles of BMN sales. Regarding which aspect is the most important, the resource person argued that people are the most important and priority

aspect. As for the most likely aspect to be applied, the resource person argued that promotion is the most flexible and adaptive aspect to be implemented.

Based on the analysis and opinions of the interviewees, a BMN sales management model can be described by considering the marketing mix as follows.

Figure 1. BMN's Sales Setup Model accommodates the



Marketing Mix

From the chart, it can be explained that the aspect of the marketing mix is fully controlled or is the responsibility of the user of goods/work units/sellers. However, there is a difference of opinion from the resource person, whether the application of the marketing mix will be a prerequisite for the auction or not. Some of the resource person did not agree if the aspect of the marketing mix was made a prerequisite in the auction by considering:

- 1) The auction procedure itself has been quite complicated at this time, it is feared that it will make it difficult for sellers and become counterproductive.
- 2) PMK 122/2023 is more in the realm of DJKN, and fully regulates the technical of the auction, it is feared that the purpose of the auction is not achieved or not optimal, so it is more appropriate if the arrangement is carried out in the realm of goods users

3) The aspect of the marketing mix may be a requirement for the auction, but the responsibility for its implementation remains with the seller.

4) It is necessary to be aware that the requirements of the marketing mix can result in an increase in the burden of the budget, the auction also becomes less productive because there are additional requirements.

Regulations that accommodate aspects of the marketing mix in the BMN sales process are important to be implemented by paying attention to:

- 1) The application should start from the most important/priority aspects in order of the marketing mix, or
- 2) Not all aspects of the marketing mix are applied in regulations,
- 3) Arrangements that do not cause budget impacts or changes in the substance of PMK 111/2016 (and its amendments PMK 165/PMK.06/2021) can be made by including them in the JFPLB workload (in the SOP or Performance Contract), so that the positive impact can be felt immediately by the organization.

The resource person also argued that the principles of transparency and fairness in sales (auctions) take precedence over other principles such as simplicity/practicality.

This opinion refers to Article 22 (2) PMK 122/2023 concerning Auction Implementation Guidelines, there are several parties who are not allowed to participate in the auction, namely: Auction Officials, Seller officials, appraisers or appraisers, bailiffs, executed, debtors, and convicts. For example, in the condition of the BMN auction that is incomplete, there must be an element of openness (transparency) to the goods to be auctioned. The mention of the condition of the goods must be disclosed

during the announcement, this is intended to provide legal certainty for all parties involved in the implementation of the auction.⁵³

Viewed from the perspective of liability, the goods to be sold (auctioned) are still in principle the responsibility of the user of the goods as the seller. The scope of this responsibility needs to be affirmed before discussing auction arrangements. For example, the auction platform does not consider the place as a display area for the goods to be auctioned. When referring to PMK 122/2023, it is more specific to regulate the implementation of auctions. The provisions on the BMN requirements to be auctioned must have been fulfilled by the seller (Goods User) at the time of submitting the application. The treatment of the goods to be auctioned such as: placement of goods; promotion; process, or physical evidence, is not specifically regulated in PMK 122/2023.

Marketing mix is a strategy to provide satisfaction (psychologically) to consumers, which is expected to have an impact on legal compliance, especially related to BMN sales and auctions. If the idea of a marketing mix is associated with legal compliance, it will be in line with H.C. Kelmen's thinking regarding legal compliance. H.C. Kelmen explained that legal awareness is influential and related to legal compliance. Legal compliance itself is a psychological process that includes compliance, identification, and internalization.⁵⁴ Compliance and legal awareness in the BMN sales process can be built by bringing terms and practices closer to the marketing or auction process in the private sector.

From this thought, without reducing the overall substance of PMK 111/2016 (and its amendments PMK 165/PMK.06/2021), it is necessary to add aspects of the marketing mix in the BMN sales process. The application of the marketing mix in BMN sales arrangements can be an

⁵³ Mafita, "Implementation of Auctions via the Internet on Legal Assets," *Nurani Hukum*, no. 2 (2019): 25–32. <http://dx.doi.org/10.51825/nhk.v2i2.8560>

⁵⁴ Amelia Putri et al., *Potpourri Crucial Issues on Legal and Community Development* (Klaten: Lakeisha Publishers, 2022). Pg.153.

effort to approach psychologically to be more compliant with the law. As for the application of the marketing mix in the BMN sales process, it can be with its own arrangements, or it can be the duties and functions of certain functional positions. As an alternative arrangement option, the researcher is of the view that the implementation of the marketing mix can be included in the performance measurement of employees/agencies.

Based on the results of the analysis and opinions of the resource person, the sale of BMN (other than land and buildings) is important to implement aspects of the marketing mix. The implementation of this marketing mix is expected to increase interest, and will have an economic impact on sellers/countries. At this time, the regulation can be emphasized in a limited scope to the seller of goods. This kind of arrangement can reduce the occurrence of "accumulation" of goods to be sold in the work unit environment, and on the other hand it is simpler from the aspect of auction requirements. It is possible that in the future it will be simultaneously implemented as part of the auction requirements, or become the authority of the goods manager (in this case DJKN) to carry out monitoring/controlling. The application of the marketing mix in BMN sales can also encourage the potential for an increase in state revenue, which is beneficial for the state, especially as the performance of the Directorate General of State Assets.

Another alternative in arranging sales for goods other than land and buildings (non-execution), is to leave it to private auction houses as is done in some countries. Of course, this policy needs to be prepared carefully considering the different principles of state property management in several countries. It is also necessary to make comparisons with other countries' governments in handling the sale of government/state property, of course by upholding the principle of economic optimization for the country. In some countries such as the Netherlands or Japan, the sales process is carried out by private parties. Of course, adjustments or BMN

sales policies must pay attention to the management principles (in this case BMN sales) that apply in Indonesia.

IV. Conclusion

The law must exist as a "living law", it is necessary to consider and combine legal views from within with legal opinions from outside. As an interaction between sellers and buyers, BMN sales regulations must protect the rights of the parties fairly. In this case, the government is the seller and the public is the buyer. For this reason, correction is needed in the sale of BMN which will be written off. Those who initially used the approach of "economically more profitable for the country" if sold, need also to consider satisfaction for buyers of goods.

The marketing mix can be considered in the BMN sales policy which will be removed with several points in mind. First, in order of priority for implementation, are; People, Promotion, Place, Physical Evidence, Product, Process, and Price. This sequence is also considered the most likely to be implemented and closest to the marketing mix concept. Second, regulations related to marketing mix are more appropriate if applied to BMN sales work units, not to KPKNL/goods managers. Third, consideration of marketing mix aspects from this research review is more appropriate to apply to BMN other than land and buildings, and not of execution. Fourth, several types of BMN (other than land and buildings and non-execution) can be considered for sale at private auction houses. The benefit is to increase the professional role of auction officials II and private auction houses on the one hand, as well as optimizing the BMN sales process on the other hand.

This research needs to be completed in further research, namely information from potential buyers (auction enthusiasts). These additional references are expected to strengthen every aspect of the marketing mix. To complete regulations containing marketing mix elements, it is also

necessary to conduct a cost/benefit study, especially the implications for the budget. Such as the emergence of marketing costs, or if necessary, consideration that the goods to be written off still have quite high economic value for consumers.

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